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S/N: 10/737,377

**REMARKS**

Entry of the above-noted amendments, reconsideration of the Application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-7, 11-15, and 26-28 are amended, claims 23-25 are canceled, and claims 31-42 are added. These amendments to the claims constitute a bona fide attempt by Applicant to advance prosecution of the Application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. The specification has been amended to correct typographical error. Support for the amendments can be found throughout the specification (e.g., paragraphs 18, 20, and 33-36), figures, and claims (e.g., claim 15) and thus, no new matter has been added. Claims 1-15, 18-22, and 26-42 are pending.

**Allowable Subject Matter:**

Claims 18-22 and 29-30 are allowed. Applicant gratefully acknowledges this indication of allowance.

**Claim Rejections - 35 U.S.C. § 112, second paragraph:**

Claims 23-25 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully, but most strenuously, traversed.

Without acquiescing in the rejection, Applicant respectfully submits the rejection is moot in view of the cancellation herein of the cited claims.

Withdrawal of the § 112, second paragraph, rejections is therefore respectfully requested.

**Claim Rejections - 35 U.S.C. § 102:**

Claims 1-15 and 23-28 are rejected under U.S.C. §102(e) as being anticipated by McHugh, et al. (USP 6,574,109; "McHugh"). This rejection is respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the Office Action's citations to the applied reference is missing at least one element of each of Applicant's independent claims, Applicant respectfully submits that the claimed invention is not anticipated by the Office Action's citations to the applied reference, as further discussed below.

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Applicant respectfully submit that the Office Action's citations to the applied reference, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied reference is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, Applicant discusses herein one or more differences between the Office Action's citations to the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to the applied reference correspond to the claimed invention.

Applicant respectfully submits that the Office Action's citations to the applied reference do not teach or suggest one or more elements of the claimed invention. A careful reading of the Office Action's citations to the applied reference fails to set forth a sustainable basis that the reference teaches or suggests, for example, the second moment arm lever applies a compressive force to the heatsink component as the greater output force via a combined deflection of the first moment arm lever and the second moment arm lever, as recited in Applicant's independent claim 1.

The Office Action's citations to McHugh disclose application of torque via an actuator as the crank 40 to compress the clamp 10. The Office Action's citations to McHugh fail to disclose, *inter alia*, deflection in the crank 40.

So, the Office Action's citation to McHugh fails to satisfy at least one of the limitations recited in Applicants' independent claim 1.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying the citation to McHugh to provide the claimed configuration, assuming, *arguendo*, a modification of the citation to McHugh would be proper.

For at least the reasons presented above with reference to claim 1, claims 1 and 26 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims 2-15 and 27-28 are believed allowable for at least the same reasons as independent claims 1 and 26, as well as for their own additional characterizations.

Withdrawal of the § 102 rejections is therefore respectfully requested.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present Application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-15, 18-22, and 26-42.

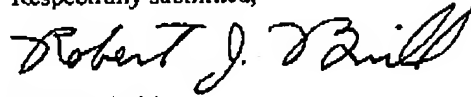
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Applicant hereby authorizes charging of Deposit Account No. 08-2025 for any additional fees associated with entering the aforementioned claims.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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